

## REMARKS

This Response is submitted in reply to the Office Action dated May 25, 2007. Claims 1 to 41 have been cancelled without prejudice or disclaimer. New Claims 42 to 59 have been added. Support for such new claims can be found on page 9, line 22 to page 14, line 14 of the specification and Figures 4A, 4B, 5A to 5F. No new matter has been added by these amendments.

A Petition for a Three-Month Extension of Time to file this Response is submitted herewith. Please charge deposit account number 02-1818 for the costs of the Extension of Time, and any additional costs associated with filing this Response.

The Office Action rejected Claims 1, 3, 14, 16, 17, 19, 34, 36, 39, and 41 under 35 U.S.C §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action stated that the specification does not describe the claimed limitation of "a gaming session". Applicant has cancelled Claims 1, 3, 14, 16, 17, 19, 34, 36, 39, and 41.

The Office Action rejected Claims 3, 16, 19, and 36 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Office Action stated that Claims 3, 16, 19, and 36 recite the limitation of interrupting for a period of time the deducting of a plurality of intervals from the value total during the gaming session independent of play of said game represented by the said video image. The Office Action stated that the limitation does not specify if the interruption, the deduction of a plurality of intervals, or the gaming session is independent of play of the game. Applicant has cancelled Claims 3, 16, 19, and 36.

The Office Action rejected Claims 1 to 3, 14 to 20, 34 to 37, 39, and 41 under 35 U.S.C. §102(b) as being anticipated by U.S. patent No. 6,077,163 to Walker et al. ("Walker"). Applicant respectfully disagrees with these rejections. Nonetheless, to expedite prosecution, Applicant has cancelled Claims 1 to 3, 14 to 20, 34 to 37, 39, and 41 and submitted new Claims 42 to 59.

Walker discloses:

a method and apparatus for operating a gaming device having a flat rate play session costing a flat rate price. The flat rate play session spans multiple plays on the gaming device over a pre-established duration. The

gaming device identifies price parameters and determines the flat rate price of playing the gaming device based on those price parameters. In one embodiment, identifying price parameters includes receiving player selected price parameters. In another embodiment, price parameters further incorporate operator selected price parameters. Should the player decide to pay the flat rate price, the player simply deposits the necessary funds into the gaming device or makes a credit account available for the gaming device to debit. Once the player initiates play, the gaming device tracks the duration remaining in the flat rate play session and stops the play when the given period has elapsed. During the play, payouts are made either directly to the player in the form of coins or indirectly in the form of credits to the player's credit account.

Applicant respectfully submits that the method of operating a gaming system of new independent Claim 42 includes, amongst other elements, (a) receiving a value amount associated with a player, the value amount initially defining a value total, (b) for at least one interval, deducting a fee from the value total, wherein the fee is associated with a value, the at least one interval is independent of any plays of any games and the at least one interval is independent of any inputs from the player in association with any plays of any games, (c) if the value total is greater than zero: (i) determining and displaying at least one value payout associated with at least one displayed outcome for at least one play of a game, wherein the determined value payout is based on any deducted fees, and (ii) adding the determined value payout to the value total, and (d) repeating (b) to (c) at least once.

Applicant respectfully submits that Walker does not disclose for at least one interval, deducting a fee from the value total, wherein the fee is associated with a value, the at least one interval is independent of any plays of any games and the at least one interval is independent of any inputs from the player in association with any plays of any games, and if the value total is greater than zero, determining and displaying at least one value payout associated with at least one displayed outcome for at least one play of a game, wherein the determined value payout is based on any deducted fees. In Walker, if a player decides to pay the flat rate price, for each game during the flat rate play session, the gaming system determines any payouts according to a stored payout table. That is, in Walker, any payout provided to the player during the flat rate play session is based on the outcome generated (via a generated random number). On the other hand, in the method of operating a gaming system of independent Claim 42, the

determined value payout for the play of the game is based on any deducted fees (wherein for at least one interval, the fee is deducted from the value total).

Applicant further submits that Walker does not disclose (b) for at least one interval, deducting a fee from the value total, wherein the fee is associated with a value, the at least one interval is independent of any plays of any games and the at least one interval is independent of any inputs from the player in association with any plays of any games, (c) if the value total is greater than zero: (i) determining and displaying at least one value payout associated with at least one displayed outcome for at least one play of a game, wherein the determined value payout is based on any deducted fees, and (ii) adding the determined value payout to the value total, and (d) repeating (b) to (c) at least once. Walker discloses making payouts to a player, however, the payouts are made directly to the player or are made in the form of credits to a credit balance stored in the machine, wherein the credit balance is independent of the duration remaining in the flat rate play session. That is, the duration of the flat rate play session in Walker is determined at the beginning of the flat rate play session and is not altered by the payouts. Thus, in Walker, the duration of the flat rate play session is independent of any determined payouts provided to the player during the flat rate play session.

On the other hand, the method of operating a gaming system of independent Claim 42 generally includes (b) for at least one interval, deducting a fee from the value total, wherein the fee is associated with a value, the at least one interval is independent of any plays of any games and the at least one interval is independent of any inputs from the player in association with any plays of any games, (c) if the value total is greater than zero: (i) determining and displaying at least one value payout associated with at least one displayed outcome for at least one play of a game, wherein the determined value payout is based on any deducted fees, and (ii) adding the determined value payout to the value total, and (d) repeating (b) to (c) at least once. For illustrative purposes only, in one example of the method of operating a gaming system of independent Claim 42, a player places an initial wager such as \$10 to define a value total. For at least one interval, such as at five-minutes, a fee such as \$5, is deducted from the value amount. In this example, if no payout is made to the player, the play session will end when the value total equals zero. Therefore, the duration of the play session is 10 minutes. However, if a value payout is made, the value payout is added

to the value total (which determines the quantity of intervals). For example, if the value payout is \$5, then the value total increases by \$5 and the duration of the play session increases by 5 minutes. Therefore, in the method of operating a gaming system of independent Claim 42, the quantity of intervals for which one or more games can be played (i.e., the duration of the play session) is based on the value payout. For these reasons, Applicant respectfully submits that new independent Claim 42 is patentably distinguished over Walker and are in condition for allowance.

Claims 43 to 47 depend directly and indirectly from independent Claim 42 and are allowable for the reasons given with respect to independent Claim 42 and because of the additional features recited in these claims.

For similar reasons to those described above with respect to new independent Claim 42, the gaming systems of new independent Claim 51 (and dependent Claims 52 to 56) are also patentably distinguished over Walker and are in condition for allowance.

Applicant respectfully submits that the method of operating a gaming system of new independent Claim 48 includes, amongst other elements, displaying to a player a graphical indicator of an amount of time the player is eligible to play a game, displaying to the player a decrease in the amount of time the player is eligible to play the game, wherein the displayed decrease is based on an amount of elapsed time, if the player inputs a value amount, displaying to the player an increase in the amount of time the player is eligible to play the game, and if the graphical indicator indicates that the player is eligible to play the game and a random determination occurs to trigger the game, determining and displaying a displayed outcome for the triggered game.

Applicant respectfully submits that unlike Walker, the method of operating a gaming system of independent Claim 48 generally includes if the player inputs a value amount, displaying to the player an increase in the amount of time the player is eligible to play the game, and if the graphical indicator indicates that the player is eligible to play the game and a random determination occurs to trigger the game, determining and displaying a displayed outcome for the triggered game, wherein the determination to trigger the game is independent of the player. For these reasons, Applicant respectfully submits that new independent Claim 48 is patentably distinguished over Walker and are in condition for allowance.

Claims 49 to 50 depend directly and indirectly from independent Claim 48 and are allowable for the reasons given with respect to independent Claim 48 and because of the additional features recited in these claims.

For similar reasons to those described above with respect to new independent Claim 48, the gaming systems of new independent Claim 57 (and dependent Claims 58 to 59) are also patentably distinguished over Walker and are in condition for allowance.

The Office Action rejected Claims 21 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of U.S. Patent No. 5,851,011 to Lott ("Lott").

The Office Action stated that Walker does not specifically teach that the gaming systems are connected to a network. The Office Action further stated that Lott teaches a gaming machine connected to a network and the Internet. The Office Action concluded that it would have been obvious to one skilled in the art at the time the invention was made to modify Walker's gaming device connected to a network, and incorporate the network to include the Internet. Applicant respectfully disagrees with these rejections. Nonetheless, to expedite prosecution, Applicant has cancelled Claims 21 to 38 and submitted new Claims 42 to 59.


Applicant respectfully submits that regardless of whether or not it would have been obvious to modify Walker's gaming device to include the internet as disclosed in Lott, neither Walker or Lott individually, nor the method of operating a gaming system/gaming system resulting from the combination of Walker and Lott disclose determining, based on the fee total, a value payout associated with an outcome of the at least one game. Moreover, neither Walker or Lott individually, nor the method of operating a gaming system/gaming system resulting from the combination of Walker and Lott disclose adding a value payout to the value total. Additionally, neither Walker or Lott individually, nor the method of operating a gaming system/gaming system resulting from the combination of Walker and Lott disclose if the player inputs a value amount, displaying to the player an increase in the amount of time the player is eligible to play the game, and if the graphical indicator indicates that the player is eligible to play the game and a determination occurs to trigger the game, determining and displaying a displayed outcome for the triggered game, wherein the determination to trigger the game is independent of the player. Accordingly, as described above, new Claims 42 to

59 are patently distinguished over Walker in combination with Lott and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: November 26, 2007